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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

LISA MICHELLE KENNEDY
5998 Crown Avenue
La Canada, CA 91011

Physical Therapy License No. PT 16252

Respondent.

Case No. 1D 2003 63608

OAH No. L-2004060709

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the
parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the
Physical Therapy Board of California. He brought this action solely in his official
capacity and is represented in this matter by Bill Lockyer, Attorney General of the State
of California, by Vladimir Shalkevich, Deputy Attorney General.

2. Respondent Lisa Michelle Kennedy (Respondent) is represented
in this proceeding by attorney Craig P. Kennedy, whose address is 18400 Von Karman
Ave., Suite 800, Irvine, CA 92612.

3. On or about December 21, 1989, the Physical Therapy Board of
California issued Physical Therapy License No. PT 16252 to Lisa Michelle Kennedy

1 (Respondent). The License was in full force and effect at all times relevant to the
2 charges brought in Accusation No. 1D 2003 63608 and will expire on February 28,
3 2005, unless renewed.

4 JURISDICTION

5 4. First Amended Accusation No. 1D 2003 63608 was filed before
6 the Physical Therapy Board of California (Board), Department of Consumer Affairs, and
7 is currently pending against Respondent. The original Accusation and all other
8 statutorily required documents were properly served on Respondent on June 18, 2004,
9 and the First amended accusation was properly served thereafter. Respondent timely
10 filed her Notice of Defense. A copy of First Amended Accusation No. 1D 2003 63608 is
11 attached as exhibit A and incorporated herein by reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and
14 understands the charges and allegations in First Amended Accusation No. 1D 2003
15 63608. Respondent has also carefully read, fully discussed with counsel, and
16 understands the effects of this Stipulated Settlement and Disciplinary Order.

17 6. Respondent is fully aware of her legal rights in this matter,
18 including the right to a hearing on the charges and allegations in the First Amended
19 Accusation; the right to be represented by counsel at her own expense; the right to
20 confront and cross-examine the witnesses against her; the right to present evidence and
21 to testify on her own behalf; the right to the issuance of subpoenas to compel the
22 attendance of witnesses and the production of documents; the right to reconsideration
23 and court review of an adverse decision; and all other rights accorded by the California
24 Administrative Procedure Act and other applicable laws.

25 7. Respondent voluntarily, knowingly, and intelligently waives and
26 gives up each and every right set forth above.

27 CULPABILITY

28 8. Respondent admits the truth of each and every charge and

1 allegation in the First Amended Accusation No. 1D 2003 63608.

2 9. Respondent agrees that her Physical Therapy License is subject to
3 discipline and she agrees to be bound by the Board's imposition of discipline as set forth
4 in the Disciplinary Order below.

5 CONTINGENCY

6 10. This stipulation shall be subject to approval by the Physical
7 Therapy Board of California. Respondent understands and agrees that counsel for
8 Complainant and the staff of the Physical Therapy Board of California may
9 communicate directly with the Board regarding this stipulation and settlement, without
10 notice to or participation by Respondent or her counsel. By signing the stipulation,
11 Respondent understands and agrees that she may not withdraw her agreement or seek to
12 rescind the stipulation prior to the time the Board considers and acts upon it. If the
13 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement
14 and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
15 inadmissible in any legal action between the parties, and the Board shall not be
16 disqualified from further action by having considered this matter.

17 11. The parties understand and agree that facsimile copies of this
18 Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto,
19 shall have the same force and effect as the originals.

20 12. In consideration of the foregoing admissions and stipulations, the
21 parties agree that the Board may, without further notice or formal proceeding, issue and
22 enter the following Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 IT IS HEREBY ORDERED that Physical Therapy License No. PT 16252
25 issued to Respondent Lisa Michelle Kennedy is suspended.

26 1. During this period of suspension, Respondent shall continue with
27 therapy and treatment as advised by her treating professionals.

28 2. Respondent may apply to the Board for reinstatement of her

1 license pursuant to the provisions of Business and Professions Code section 823. At
2 such time, Respondent shall provide to the Board credible medical evidence that she has
3 substantially recovered from her long – standing disorders or conditions described
4 above, from her treating therapist. For the purpose of the reinstatement proceeding only,
5 Respondent will waive her physician-patient privilege and privacy rights as codified by
6 the Evidence Code section 1014. The Board reserves the right to have an independent
7 evaluation made of Respondent at that time, with all expense of such evaluation to be
8 born by the Respondent.

9 3. The Board is authorized to provide a copy of this Consent Order
10 to the Louisiana physical therapy licensing authority.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary
13 Order and have fully discussed it with my attorney, Craig P. Kennedy. I understand the
14 stipulation and the effect it will have on my Physical Therapy License. I enter into this
15 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
16 and agree to be bound by the Decision and Order of the Physical Therapy Board of
17 California. I understand and agree that in order to present information for the purpose of
18 applying for reinstatement of my license under Business and Professions Code section
19 823, I will have to present evidence from my treating physician or psychotherapist. For
20 the purposes of reinstatement proceedings only, I hereby expressly waive my physician-
21 patient privilege and the privilege under Evidence Code section 1014.

22
23 DATED: _____.

24
25 _____
26 LISA MICHELLE KENNEDY
27 Respondent

28 I have read and fully discussed with Respondent Lisa Michelle Kennedy

1 the terms and conditions and other matters contained in the above Stipulated Settlement
2 and Disciplinary Order. I approve its form and content.

3 DATED: _____.

4
5 _____
6 CRAIG P. KENNEDY
Attorney for Respondent

7
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby
10 respectfully submitted for consideration by the Physical Therapy Board of California of
11 the Department of Consumer Affairs.

12
13 DATED: _____.

14 BILL LOCKYER, Attorney General
15 of the State of California

16
17 _____
18 VLADIMIR SHALKEVICH
Deputy Attorney General

19 Attorneys for Complainant

20 DOJ Docket/Matter ID Number: ***DOJ docket number***
21 Kennedy, L. Stipulated Settlement.wpd
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Exhibit A

First Amended Accusation No. 1D 2003 63608

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended
Accusation Against:

LISA MICHELLE KENNEDY.

Case No. 1D 2003 63608

OAH No. L-2004060709

The foregoing Stipulated Decision, in case number 1D 2003 63608, is hereby
adopted
by the Physical Therapy Board, Department of Consumer Affairs, State of California.

This decision shall become effective on the 24th day of December, 2004.

It is so ordered this November 24, 2004.

Original Signed By:

Don A. Chu, P.T., President
Physical Therapy Board
of California